



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

NEAL M. GOLDBERG GENERAL COUNSEL

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3664 FAX: 202.775.3603

August 2, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 04-36 ("IP-Enabled Services")

Dear Ms. Dortch:

On August 1, 2005, Daniel Brenner, Senior Vice President, Law and Regulatory Policy of the National Cable & Telecommunications Association ("NCTA"), Howard Symons, of the law firm Mintz Levein, Cohn, Ferris, Glovsky & Popeo, and I met with Scott Bergman, Senior Legal Advisor to Commissioner Adelstein, and Rudy Brioche, Legal Advisor to Commissioner Adelstein, to discuss issues raised in the above-referenced docket.

In that meeting we discussed the Petition for Declaratory Rulemaking filed by SBC Communications, Inc. ("SBC") on February 5, 2004. We reiterated the views in our comments filed in the above-referenced docket that (1) the Commission should focus on IP voice services in that docket; (2) there is virtually no record in that docket on which to base a decision on the regulatory framework for IP video services; and (3) the IP video services proposed by SBC fall squarely within existing definitions of Title VI.

With respect to the last point, we provided a memorandum detailing the reasons why the IP video services proposed by SBC and other telephone companies are subject to Title VI. Attached is a copy of that Memorandum, which demonstrates that IP video services proposed by those companies are Title VI-defined "cable services" and the facilities they propose to use are "cable systems," making them "cable operators" subject to Title VI's regulatory scheme.

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If you have any questions, please contact me.

Sincerely,

/s/ Neal M. Goldberg
Neal M. Goldberg

Attachment

cc: Scott Bergman
Rudy Brioche